

### **III. REMARKS**

By this amendment, claim 20 has been amended and claims 1-12 have been canceled. As a result, claims 13-26 remain pending in this application. Applicant is not conceding in this application that those claims are not patentable over the art cited by the Office, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the subject matter. Applicant does not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 20-26 are rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. Claims 1-26 are rejected under 35 U.S.C. §102(a) as allegedly being anticipated by Beyda (U.S. Patent No. 6,766,422), hereafter “Beyda.”

#### **A. REJECTION OF CLAIMS 20-26 UNDER 35 U.S.C. §101**

The Office has rejected claims 20-26 for allegedly being directed to non-statutory subject matter. Specifically, the Office asserts that the claimed invention does not clearly state that the program product is executed by a computer. Applicant has amended claim 20 to recite “[a] program product stored on a recordable medium for asynchronously processing requests, which when executed by a computer, comprises.” Applicant asserts that this amendment satisfies the Office’s interpretation of statutory subject matter. Accordingly, Applicant requests that the rejection be withdrawn.

## **B. REJECTION OF CLAIMS 1-26 UNDER 35 U.S.C. §102(a)**

Initially, Applicant respectfully requests that the Office clarify its rejection by specifying which element or elements of Beyda the Office equates with the limitations of the claimed invention. In contrast, the current Office action cites large passages of Beyda without making reference to specific elements therein. Nevertheless, Applicant will attempt to address the arguments based on his understanding thereof.

With regard to the 35 U.S.C. §102(a) rejection over Beyda, Applicant asserts that Beyda does not teach each and every feature of the claimed invention. For example, with respect to independent claims 13 and 20, Applicant submits that Beyda fails to teach a request checking system for determining whether the URL was previously requested in the request by the client. Rather, the passage of Beyda teaches a caching system that pre-loads pages based on previously made requests. Thus, Beyda does not teach checking whether the same unfulfilled request has previously been made by the client. In contrast, the claimed invention includes "...a request checking system for determining whether the URL was previously requested in the request by the client." Claim 1. As such, the request checking system of the claimed invention does not merely pre-fetch based on previous requests as does Beyda, but rather determines whether the URL was previously requested in the request by the client. Thus, Beyda does not teach the functions of the request checking system of the claimed invention. Accordingly, Applicant respectfully requests that the Office withdraw its rejection.

With further respect to independent claims 13 and 20, Applicant respectfully submits that Beyda also fails to teach a header generation system for generating a response refresh header that includes a time value for causing the client to automatically send a subsequent request for the

URL. Rather, the time stamp in the passage of Beyda cited by the Office only “refers to the last time something changed in the content at this particular URL.” Col. 3, lines 61-64. To this extent, the time stamp of Beyda does not cause the client to automatically send a subsequent request for the URL, or any request for that matter. The claimed invention, in contrast, includes “...a header generation system for generating a response refresh header that includes a time value for causing the client to automatically send a subsequent request for the URL.” Claim 13. As such, in the current invention, the header generation system does not merely include a time stamp, such as the one in Beyda, that refers to the last time something changed, but instead generates a response refresh header that includes a time value for causing the client to automatically send a subsequent request for the URL. Accordingly, Applicant requests that the rejection be withdrawn.

With respect to dependent claims, Applicant herein incorporates the arguments presented above with respect to the independent claims from which the claims depend. Furthermore, Applicant submits that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicant respectfully requests withdrawal of this rejection.

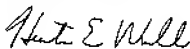
#### **IV. CONCLUSION**

In addition to the above arguments, Applicant submits that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicant does not acquiesce to the Office’s interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicant does not acquiesce to the Office’s

combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicant reserves the right to present such arguments in a later response should one be necessary.

In light of the above, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,



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